

# VILLAGE OF ALMONT

## ORDINANCE NO. 189 BLIGHT AND NUISANCE ORDINANCE

An ordinance to regulate blight and nuisances in order to protect and promote public health, safety, and welfare; to provide penalties for violations of the provisions contained herein; and to repeal related prior ordinances.

### THE VILLAGE OF ALMONT ORDAINS:

#### **Section 1. Title**

The title of this ordinance shall be the "Village of Almont Blight and Nuisance Ordinance."

#### **Section 2: Purpose**

It is the purpose of this Ordinance to protect and promote public health, safety, and welfare by providing regulations regarding blight and nuisances.

#### **Section 3: Definitions**

The following definitions shall apply in the interpretation of this Ordinance:

##### ***A. Building Materials***

Lumber, bricks, concrete or cinder blocks, plumbing materials, electrical wiring or equipment, heating ducts or equipment, shingles, mortar, concrete or cement, nails, screws, or any other materials used for construction.

##### ***B. Garbage***

Any food waste matter, rubbish, discarded food containers, loose papers, wrappers or any similar item that is customarily disposed of through refuse collection.

##### ***C. Grass***

Any plant covering a lawn or another portion of a property.

##### ***D. Junk***

Any machinery parts, motor vehicle parts, tin cans, home appliances, wood or metal remnants, construction debris, dilapidated or severely damaged outside seating structures or any other cast-off material or any other debris that is not completely screened from view from streets or adjoining properties.

***E. Junk Automobile***

Any motor vehicle that is not lawfully licensed or any motor vehicle that has become inoperable for any reason for a period in excess of fifteen (15) days.

***F. Weeds***

Any Canada thistle; dodders, mustard plants, ragweed, poison ivy, poison sumac, or any other similar plant.

**Section 4: Prohibited Nuisances and Blight**

- A. Junk automobiles must be stored in an enclosed building.
- B. No garbage or junk shall accumulate on any property unless the garbage or junk is enclosed in a sanitary manner for purposes of refuse collection.
- C. Garbage or junk that is placed outside for purposes of refuse collection shall not be placed at the side of the road for collection for a period greater than thirty-six hours prior to the day of the scheduled refuse collection.

In addition, garbage cans and any uncollected refuse must be removed from the side of the road no later than thirty-six hours after the day of scheduled refuse collection.

- D. No person shall willfully or wantonly damage, mutilate or deface any exterior surface of any structure or building on any private or public property by placing thereon any marking, carving or graffiti.

It shall be the responsibility of the property owner to restore said surface to a state of repair as approved by the Village Manager.

- E. No property owner shall permit any weeds or grass on their property to grow in excess of eight inches.
- F. No property owner shall maintain a tree or plant, the roots of which cause damage to any public sewer, sidewalk, pavement or other similar public property.
- G. No property owner shall store building materials on their property (except for those commercial businesses selling such items) unless they have been issued a valid building permit for construction upon such property and such materials are to be used in connection with such construction. In no event shall building materials be stored outside for a period longer than ninety (90) days.
- H. No property owner shall store firewood outside unless such firewood is stacked no higher than five (5) feet, covered, and stored in a side or rear yard.

- I. No property owner shall plant a tree in the public right-of-way without a permit from the Village Manager.
- J. No property owner shall allow animal excrement or refuse to collect or lie upon their property in such a manner that attracts flies or rodents, emits offensive odors or permits such waste to be scattered onto adjoining properties.

#### **Section 5. Corrective Actions and Assessment of Costs to Tax Roll**

Whenever a property owner violates any provision of this ordinance they shall be provided with a notice of at least ten (10) days that specifies the nature of the property owner's violation of this ordinance and the corrective action that must be taken to come into compliance with this ordinance.

In the event enforcement action is necessary the cost of clean-up and enforcement may be assessed to the tax roll.

#### **Section 6. Enforcement**

The Village Manager, Ordinance Enforcement Officer or any sworn Police Officer of the Village of Almont are hereby empowered to enforce the provisions of this ordinance.

#### **Section 7. Violations**

Any person violating this ordinance shall be responsible for a civil infraction, punishable as provided in the Almont Village Civil Infraction Ordinance, being Ordinance No. 163 and any amendatory ordinances connected thereto.

#### **Section 8. Repeal of Conflicting Ordinances**

All ordinances in conflict within the provisions of this ordinance are hereby repealed, to the extent of the conflict. Additionally, Ordinance No. 52, Ordinance No. 88, and Ordinance No. 119 are hereby repealed in their entirety.

#### **Section 9: Severability**

The various parts, sentences, paragraphs, sections, and clauses of this ordinance are hereby declared to be severable. If any part, sentence, paragraph, section, or clause of this ordinance is ruled unconstitutional or invalid by a court or administrative agency of competent jurisdiction, the rest of the ordinance shall remain intact.

#### **Section 10. Effective Date**

This ordinance shall become effective upon its date of publication.

The undersigned President and Clerk of the Village of Almont hereby certify that this Ordinance was adopted at a Regular Meeting of the Almont Village Council held on December 3, 2013 and was published in the *Tri-City Times* on December 11, 2013.

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Kimberly Keesler  
Village Clerk

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Steve Schneider  
Village President